

Exhibit B

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8 *Attorneys for Plaintiff Lorenzo Jones*

9
10 **ARIZONA SUPERIOR COURT**
11 **IN AND FOR MARICOPA COUNTY**

12 Lorenzo Jones,

13 Plaintiff,

14 v.

15 City of Mesa;

16 Defendant.

Case No. CV- CV2021-010635

COMPLAINT

TIER 2

17 Plaintiff, for his complaint against defendant alleges as follows:

- 18 1. Plaintiff Lorenzo Jones is a resident of Maricopa County, Arizona.
- 19 2. Defendant City of Mesa is a public body.
- 20 3. Defendant City of Mesa, through its employees, has caused events to occur in

21 Maricopa County out of which this matter arises.

1 4. Jurisdiction and venue are proper with the Arizona Superior Court in Maricopa
2 County, Arizona.

3 5. This is a Tier 2 case. More than 60 days have elapsed since the City of Mesa was
4 served with a Notice of Claim in full compliance with ARS 12-821.01.

5 6. On July 6, 2020, Lorenzo Jones was reportedly involved in an altercation with
6 family members in the hallway of the apartment complex where he resided with his fiancée,
7 Tenisha Gaston, and five toddler children.

8 7. As officers were arriving on scene, dispatch allegedly stated that Lorenzo could
9 potentially be armed.

10 8. When officers arrived, Lorenzo reportedly attempted to evade law enforcement
11 and prevent the arrest of his fiancée, which officers claim resulted in the assault of Officer Jacob
12 Harris, #17060.

13 9. Officers tased Lorenzo multiple times before taking him into custody.

14 10. After being handcuffed, officers performed a search of Lorenzo's person.

15 11. Officer discovered no weapons.

16 12. After being seen by Mesa Fire and Medical for his injuries, Lorenzo was
17 transported and booked into the Mesa City Jail.

18 13. On July 12, 2020, Lorenzo was released from custody after posting a \$5,000
19 bond.

20 14. Upon his release, Lorenzo received a Final Release Order and Order Regarding
21 Counsel.
22

1 15. As one of Lorenzo's release conditions, he was ordered to attend a Status
2 Conference and Preliminary Hearing at the Southeast Regional Court Center.

3 16. The Status Conference was scheduled to take place the following day, July 13,
4 2020.

5 17. As instructed, Lorenzo appeared at the Southeast Regional Court Center on July
6 13, 2020.

7 18. The Preliminary Hearing was scheduled for July 16, 2020.

8 19. When Lorenzo arrived at court on July 16, 2020, he was provided with a Court
9 Date Advisement slip.

10 20. The slip further instructed Lorenzo to return to court on July 21, 2020, for his
11 Initial Appearance.

12 21. Due to an error by the court, Lorenzo's appearance at his Status Conference was
13 not recorded.

14 22. The court's error resulted in a bench warrant being issued for Lorenzo for failure
15 to appear (FTA).

16 23. Once notified about Lorenzo's FTA, Officer Harris, an alleged victim of
17 Lorenzo, requested a warrant be issued for Lorenzo's arrest.

18 24. As a result of the bench warrant being incorrectly issued. Detective Curtis
19 Simpson, #20376 submitted an affidavit requesting a search warrant be issued for Lorenzo's
20 home.

21 25. In Detective Simpson's affidavit, he cited unfounded accusations that Lorenzo
22 was in possession of a firearm on July 6, 2020.

1 26. Detective Simpson further stated that he hoped this search warrant would aid
2 law enforcement in retrieving the firearm that officers were unable to locate during their initial
3 encounter with Lorenzo on July 6, 2020.

4 27. Judge Tracy Nadzieja issued a search warrant for Lorenzo and his residence on
5 July 15, 2020.

6 28. On July 16, 2020, the Mesa Police Department's SWAT team, members of the
7 Red Mountain Serious Offender's Unit, and various additional officers and detectives, traveled
8 to the apartment complex where Lorenzo, Tenisha, and their five children resided.

9 29. This included Mesa Police Department officer, Jacob Harris, an alleged victim
10 of Lorenzo.

11 30. At approximately 1825 hours, the SWAT team started giving verbal commands
12 using a PA system.

13 31. The SWAT team negotiator repeatedly stated for any and all occupants of 4104
14 E. Broadway Road, Unit #1059 to exit the residence.

15 32. Complying with commands for any and all occupants to exit the apartment
16 Lorenzo, Tenisha, and their five children exited their home.

17 33. At this time, Lorenzo was shirtless and carrying one of the infant children in his
18 arms.

19 34. At the time of the incident, Lorenzo's and Tenisha's children ranged from one
20 month to four years old.

21 35. Lorenzo's waistband was clearly visible with nothing indicating he was in
22 possession of a firearm.

36. Tenisha was holding her and Lorenzo's one month old son.



37. Due to Lorenzo showing up for all his court hearings, including the Preliminary Hearing earlier that morning, Lorenzo and Tenisha briefly attempted to explain the misunderstanding to officers.

38. After handing Tenisha their infant son and his personal possessions Lorenzo, using the universal signal for surrendering, put his hands in the air above his head.



1 39. At With Lorenzo's hands still clearly in the air and visible to officers he gestured
2 at his residence while stating that his paperwork from court was inside.

3 40. Lorenzo made no threats or furtive gestures.



12 41. While Lorenzo's hands remained clearly in the air and visible to officers,
13 Lorenzo was shot with a beanbag shotgun round in the lower abdomen by Mesa Police
14 Department officers.

15 42. At the time Lorenzo was shot, Tenisha and three of their five minor children
16 were still in close proximity to Lorenzo.

17 43. After being shot, Lorenzo clutched his chest and fell backwards onto the
18 pavement, landing on the right side of his body.
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44. After falling onto the pavement, Lorenzo laid flat on his stomach with his hands straight out to his side.

45. With Lorenzo's hands still out to his side and clearly visible to officers, he gestured to Tenisha to take the children inside to safety.



1 46. Using the PA, Mesa Police officers instructed Lorenzo to get up and walk to the
2 officers.

3 47. As Lorenzo rolled over and prepared to get up, Mesa officers shot him again,
4 striking him in the groin with a bean bag round.



12 48. Two seconds after being struck for the second time, Lorenzo put his hands in the
13 air again.

14 49. While Lorenzo's hands remained in the air, Mesa officers shot Lorenzo with a
15 third bean bag round.



1 50. Once officers stopped shooting at Lorenzo, he got up, keeping his hands in the
2 air.

3 51. Lorenzo was then instructed to turn around and walk backward towards officers.

4 52. Lorenzo was further instructed to walk behind the armored SWAT truck, which
5 put him out of view of the camera.

6 53. Once Lorenzo was almost completely out-of-view of the camera, officers can be
7 seen violently yanking Lorenzo behind the SWAT truck.



18 54. After he was pulled behind the SWAT truck, Lorenzo received multiple
19 abrasions on his face, shoulders, and hands.

20 55. After Lorenzo was taken into custody, he was treated by the Mesa Fire
21 Department for his injuries.
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA**

LORENZO JONES, Plaintiff(s), vs. CITY OF MESA, Defendant(s).	CASE NO. CV2021-010635 RETURN OF SERVICE CITY OF MESA
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Received by B&B ATTORNEY SERVICE, LLC on the 6th day of July, 2021 at 1:10 PM to be served on **CITY OF MESA, % CITY CLERK OF MESA, 20 EAST MAIN STREET, SUITE 150, MESA, AZ 85201.**

I, **ALMIR BOSNIC**, do hereby affirm that on the **8th day of July, 2021** at **2:02 PM**, I:

CORPORATE served by personally delivering and leaving a true copy of the **SUMMONS; COMPLAINT TIER 2, CERTIFICATE OF COMPULSORY ARBITRATION** with: **ANN MARIE FANTASIA, SENIOR PROGRAM ASSISTANT**, who is authorized to accept service, at the address of: **20 EAST MAIN STREET, SUITE 150, MESA, AZ 85201.** I informed said person of the contents therein, in compliance with state statutes.

I declare under penalty of perjury the foregoing statements are true and correct



Almir Bosnic

Lic. Process Server No. 7002

B&B ATTORNEY SERVICE, LLC
PO BOX 12681
SCOTTSDALE, AZ 85267
(602) 510-6016

Service Fee Total: **\$85.00**

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11 Lorenzo Jones,

12 Plaintiff,

13 v.

14 City of Mesa;

15 Defendant.

Case No. CV-2021-010635

**MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT**

16
17 Plaintiff, through undersigned counsel and pursuant to Rule 15(a)(2), moves for the
18 Court's order granting leave to an amended complaint. Plaintiff has filed and served his
19 complaint on the City of Mesa more than 21 days ago. City of Mesa has not yet answered or
20 otherwise appeared.¹

21
22 ¹ Plaintiff granted City of Mesa an open extension to answer because the parties have agreed to a private mediation on October 28, 2021

1 The complaint contains an assault claim against the City of Mesa arising out of a police
2 officer's use of excessive force against plaintiff. Specifically, a police officer shot plaintiff
3 three times with a less lethal shotgun round while plaintiff was offering no resistance
4 whatsoever. In the last few days, plaintiff learned the identity of the officer who shot plaintiff.
5 Plaintiff now seeks to amend the complaint to add a 42 USC 1983 civil rights claim against
6 that individual officer, Aaron Pew. Plaintiff has attached, at exhibit A, a copy of the proposed
7 amended complaint with additions identified in red font and underlined and deletions
8 identified by red strike-through.

9 This amendment is made in good faith and not for the purpose of delay. There is no
10 prejudice to defendants as they have not yet answered.

11 Dated this 6th day of September 2021.

12 **TAYLOR & GOMEZ LLP**

13 /s/ Benjamin Taylor
Benjamin Taylor

14
15 **BIHN & McDANIEL, P.L.C.**

16 /s/ Martin A. Bihn
Martin A. Bihn

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18 1. Plaintiff Lorenzo Jones is a resident of Maricopa County, Arizona.

19 2. Defendant City of Mesa is a public body.

20 2.3. Defendant Aaron Pew is a police officer with the City of Mesa and, upon
21 information and belief, is a resident of Maricopa County, Arizona.
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1 ~~3.4.~~ Defendants ~~City of Mesa, through its employees, has~~ have caused events to
2 occur in Maricopa County out of which this matter arises.

3 ~~4.5.~~ Jurisdiction and venue are proper with the Arizona Superior Court in Maricopa
4 County, Arizona.

5 ~~5.6.~~ This is a Tier 2 case. More than 60 days have elapsed since the City of Mesa was
6 served with a Notice of Claim in full compliance with ARS 12-821.01.

7 ~~6.7.~~ On July 6, 2020, Lorenzo Jones was reportedly involved in an altercation with
8 family members in the hallway of the apartment complex where he resided with his fiancée,
9 Tenisha Gaston, and five toddler children.

10 ~~7.8.~~ As officers were arriving on scene, dispatch allegedly stated that Lorenzo could
11 potentially be armed.

12 ~~8.9.~~ When officers arrived, Lorenzo reportedly attempted to evade law enforcement
13 and prevent the arrest of his fiancée, which officers claim resulted in the assault of Officer Jacob
14 Harris, #17060.

15 ~~9.10.~~ Officers tased Lorenzo multiple times before taking him into custody.

16 ~~10.11.~~ After being handcuffed, officers performed a search of Lorenzo's person.

17 ~~11.12.~~ Officer discovered no weapons.

18 ~~12.13.~~ After being seen by Mesa Fire and Medical for his injuries, Lorenzo was
19 transported and booked into the Mesa City Jail.

20 ~~13.14.~~ On July 12, 2020, Lorenzo was released from custody after posting a \$5,000
21 bond.
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1 14.15. Upon his release, Lorenzo received a Final Release Order and Order Regarding
2 Counsel.

3 15.16. As one of Lorenzo's release conditions, he was ordered to attend a Status
4 Conference and Preliminary Hearing at the Southeast Regional Court Center.

5 16.17. The Status Conference was scheduled to take place the following day, July 13,
6 2020.

7 17.18. As instructed, Lorenzo appeared at the Southeast Regional Court Center on July
8 13, 2020.

9 18.19. The Preliminary Hearing was scheduled for July 16, 2020.

10 19.20. When Lorenzo arrived at court on July 16, 2020, he was provided with a Court
11 Date Advisement slip.

12 20.21. The slip further instructed Lorenzo to return to court on July 21, 2020, for his
13 Initial Appearance.

14 21.22. Due to an error by the court, Lorenzo's appearance at his Status Conference was
15 not recorded.

16 22.23. The court's error resulted in a bench warrant being issued for Lorenzo for failure
17 to appear (FTA).

18 23.24. Once notified about Lorenzo's FTA, Officer Harris, an alleged victim of
19 Lorenzo, requested a warrant be issued for Lorenzo's arrest.

20 24.25. As a result of the bench warrant being incorrectly issued. Detective Curtis
21 Simpson, #20376 submitted an affidavit requesting a search warrant be issued for Lorenzo's
22 home.

1 25.26. In Detective Simpson's affidavit, he cited unfounded accusations that Lorenzo
2 was in possession of a firearm on July 6, 2020.

3 26.27. Detective Simpson further stated that he hoped this search warrant would aid
4 law enforcement in retrieving the firearm that officers were unable to locate during their initial
5 encounter with Lorenzo on July 6, 2020.

6 27.28. Judge Tracy Nadzieja issued a search warrant for Lorenzo and his residence on
7 July 15, 2020.

8 28.29. On July 16, 2020, the Mesa Police Department's SWAT team, members of the
9 Red Mountain Serious Offender's Unit, and various additional officers and detectives, traveled
10 to the apartment complex where Lorenzo, Tenisha, and their five children resided.

11 29.30. This included Mesa Police Department officer, Jacob Harris, an alleged victim
12 of Lorenzo.

13 30.31. At approximately 1825 hours, the SWAT team started giving verbal commands
14 using a PA system.

15 31.32. The SWAT team negotiator repeatedly stated for any and all occupants of 4104
16 E. Broadway Road, Unit #1059 to exit the residence.

17 32.33. Complying with commands for any and all occupants to exit the apartment
18 Lorenzo, Tenisha, and their- five children exited their home.

19 33.34. At this time, Lorenzo was shirtless and carrying one of the infant children in his
20 arms.

21 34.35. At the time of the incident, Lorenzo's and Tenisha's children ranged from one
22 month to four years old.

1 35.36. Lorenzo's waistband was clearly visible with nothing indicating he was in
2 possession of a firearm.

3 36.37. Tenisha was holding her and Lorenzo's one month old son.



12 37.38. Due to Lorenzo showing up for all his court hearings, including the Preliminary
13 Hearing earlier that morning, Lorenzo and Tenisha briefly attempted to explain the
14 misunderstanding to officers.

15 38.39. After handing Tenisha their infant son and his personal possessions Lorenzo,
16 using the universal signal for surrendering, put his hands in the air above his head.
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39.40. At With Lorenzo's hands still clearly in the air and visible to officers he gestured at his residence while stating that his paperwork from court was inside.

40.41. Lorenzo made no threats or furtive gestures.



41.42. While Lorenzo's hands remained clearly in the air and visible to officers, Lorenzo was shot with a beanbag shotgun round in the lower abdomen by Mesa Police Department officer Aaron Pews.

1 42.43. At the time Lorenzo was shot, Tenisha and three of their five minor children
2 were still in close proximity to Lorenzo.

3 43.44. After being shot, Lorenzo clutched his chest and fell backwards onto the
4 pavement, landing on the right side of his body.



13 44.45. After falling onto the pavement, Lorenzo laid flat on his stomach with his hands
14 straight out to his side.

15 45.46. With Lorenzo's hands still out to his side and clearly visible to officers, he
16 gestured to Tenisha to take the children inside to safety.



46.47. Using the PA, Mesa Police officers instructed Lorenzo to get up and walk to the officers.

47.48. As Lorenzo rolled over and prepared to get up, Mesa Police officers Aaron Pew shot him again, striking him in the groin with a bean bag round.



1 48-49. Two seconds after being struck for the second time, Lorenzo put his hands in the
2 air again.

3 49-50. While Lorenzo's hands remained in the air, Mesa Police officer Aaron Pews
4 shot Lorenzo with a third bean bag round.



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11 50-51. Once officers stopped shooting at Lorenzo, he got up, keeping his hands in the
12 air.

13 51-52. Lorenzo was then instructed to turn around and walk backward towards officers.

14 52-53. Lorenzo was further instructed to walk behind the armored SWAT truck, which
15 put him out of view of the camera.

16 53-54. Once Lorenzo was almost completely out-of-view of the camera, officers can be
17 seen violently yanking Lorenzo behind the SWAT truck.
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54.55. After he was pulled behind the SWAT truck, Lorenzo received multiple abrasions on his face, shoulders, and hands.

55.56. After Lorenzo was taken into custody, he was treated by the Mesa Fire Department for his injuries.

56.57. Mesa police subsequently searched Lorenzo's home and again found no firearms or weapons.

COUNT ONE – BATTERY

57.58. Plaintiff realleges paragraphs 1 through 56 as if fully set forth herein.

58.59. The City of Mesa is vicariously liable for the conduct of its employees.

59.60. The police officer(s) who shot Lorenzo with the bean bags are, upon information and belief, employees of the City of Mesa.

1 ~~60.61.~~ The police officer(s) acted intentionally, shooting Lorenzo three times while he
2 was complying with their commands, was obviously unarmed and presented no threat to justify
3 the shootings.

4 ~~61.62.~~ The use of force by police officer(s) against Lorenzo was not immediately
5 necessary to effect his arrest or detention or to prevent his escape.

6 ~~62.63.~~ The police officer(s), in shooting three times with bean bags, caused Lorenzo to
7 suffer harmful and offensive contact.

8 ~~63.64.~~ Lorenzo suffered physical pain, fear and distress as a result of the police officers'
9 conduct.

10 ~~64.65.~~ The police officers' conduct was an affront to Lorenzo's dignity as a human
11 being.

12 COUNT TWO – NEGLIGENT TRAINING/SUPERVISION

13 ~~65.66.~~ Plaintiff realleges paragraphs 1 through 64 as if fully set forth herein.

14 ~~66.67.~~ City of Mesa owed Lorenzo a duty to provide reasonable and necessary training
15 and supervision to its police officers.

16 ~~67.68.~~ City of Mesa breached its duty to Lorenzo by failing adequately train and
17 supervise its police officers in the use of force and particularly those officers using excessive,
18 unnecessary and unjustified force in shooting Lorenzo.

19 ~~68.69.~~ City of Mesa knew or should have known of its officers propensity to use
20 excessive, unnecessary and unjustified force.

1 69-70. City of Mesa acted in reckless indifference to the results of its actions, and the
2 rights or safety of Miguel Camacho, in its failure to adequately train and supervise its police
3 officers.

4 71. As a result of the City of Mesa's conduct, Lorenzo suffered physical and
5 emotional injuries.

6 COUNT THREE--- 42 USC s 1983 EXCESSIVE FORCE AGAINST PEW

7 72. Plaintiff realleges all allegation contained in prior paragraphs of the complaint.

8 73. Defendant Aaron Pew is being sued in his individual capacity and is a "person"
9 for the purposes of 42 USC s 1983.

10 74. At all material times, defendant Pew acted under color of state law.

11 75. Defendant Pew used excessive and objectively unreasonable force against
12 plaintiff in violation of his Fourth and Fourteenth Amendment rights including but
13 necessarily limited to, shooting him three times with bean bag shotgun shell. Pew shot
14 plaintiff the first time as plaintiff stood with his hands in the air offering no resistance.
15 Pew shot plaintiff two more times in the groin as he lay on the ground, incapacitated
16 from Pew's first shot.

17 76. Pew shot plaintiff even though plaintiff posed no immediate threat to the
18 safety of officers or the public, was not resisting the officers and was not attempting
19 to evade the officers.

20 77. Pew is not entitled to qualified immunity. At the time Pew used excessive
21 force on plaintiff the law was clearly established that such actions amounted to
22 unconstitutional excessive force.

1 78. Plaintiff suffered damages as a result of Pew's unconstitutional actions.

2 79. Pew acted with reckless and callous indifference to plaintiff's federally
3 protected rights entitling plaintiff to punitive damages.

4 70-80. Plaintiff is entitled to his costs, including attorneys' fees, pursuant to 42 USC s
5 1988.

6 WHEREFORE, Plaintiff Lorenzo Jones respectfully requests that this Court grant relief
7 in Plaintiff's favor, and against Defendants as follows:

8 A. For physical and emotional distress, discomfort, suffering, humiliation and anxiety
9 already experienced, and reasonably probable to be experienced in the future as a
10 result of the defendant's' fault;

11 B. For punitive damages against defendant Pew in an amount sufficient to deter his
12 misconduct in the future.

13 C. For his costs and attorneys' fees pursuant to 42 USC s 1988.

14 A. —

15 B.D. For such other and further relief as the court deems just.

16 Dated this 62nd day of September~~July~~ 2021.

17 **TAYLOR & GOMEZ LLP**

18 /s/ Benjamin Taylor
19 Benjamin Taylor

20 **BIHN & McDANIEL, P.L.C.**

21 /s/ Martin A. Bihn
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Lorenzo Jones,

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Case No. CV-2021-010635

**ORDER GRANTING PLAINTIFF
 LEAVE TO FILE AMENDED
 COMPLAINT**

The Court, have reviewed the plaintiff's Motion for Leave to Amend and finding good cause therefore;

IT IS ORDERED granting plaintiff leave to file his amended complaint. The amended complaint shall be filed within 10 days.

Dated: _____

 Judge Astrowsky

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eSignature Page 1 of 1

Filing ID: 13350732 Case Number: CV2021-010635
Original Filing ID: 13339022

Granted with Modifications



/S/ Brad Astrowsky Date: 9/8/2021
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2021-010635

SIGNATURE DATE: 9/8/2021

E-FILING ID #: 13350732

FILED DATE: 9/10/2021 8:00:00 AM

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2 was in possession of a firearm on July 6, 2020.

3 27. Detective Simpson further stated that he hoped this search warrant would aid
4 law enforcement in retrieving the firearm that officers were unable to locate during their initial
5 encounter with Lorenzo on July 6, 2020.

6 28. Judge Tracy Nadzieja issued a search warrant for Lorenzo and his residence on
7 July 15, 2020.

8 29. On July 16, 2020, the Mesa Police Department's SWAT team, members of the
9 Red Mountain Serious Offender's Unit, and various additional officers and detectives, traveled
10 to the apartment complex where Lorenzo, Tenisha, and their five children resided.

11 30. This included Mesa Police Department officer, Jacob Harris, an alleged victim
12 of Lorenzo.

13 31. At approximately 1825 hours, the SWAT team started giving verbal commands
14 using a PA system.

15 32. The SWAT team negotiator repeatedly stated for any and all occupants of 4104
16 E. Broadway Road, Unit #1059 to exit the residence.

17 33. Complying with commands for any and all occupants to exit the apartment
18 Lorenzo, Tenisha, and their five children exited their home.

19 34. At this time, Lorenzo was shirtless and carrying one of the infant children in his
20 arms.

21 35. At the time of the incident, Lorenzo's and Tenisha's children ranged from one
22 month to four years old.

1 36. Lorenzo's waistband was clearly visible with nothing indicating he was in
2 possession of a firearm.

3 37. Tenisha was holding her and Lorenzo's one month old son.



12 38. Due to Lorenzo showing up for all his court hearings, including the Preliminary
13 Hearing earlier that morning, Lorenzo and Tenisha briefly attempted to explain the
14 misunderstanding to officers.

15 39. After handing Tenisha their infant son and his personal possessions Lorenzo,
16 using the universal signal for surrendering, put his hands in the air above his head.
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40. At With Lorenzo's hands still clearly in the air and visible to officers he gestured at his residence while stating that his paperwork from court was inside.

41. Lorenzo made no threats or furtive gestures.



42. While Lorenzo's hands remained clearly in the air and visible to officers, Lorenzo was shot with a beanbag shotgun round in the lower abdomen by Mesa Police Department officer Aaron Pew.

1 43. At the time Lorenzo was shot, Tenisha and three of their five minor children
2 were still in close proximity to Lorenzo.

3 44. After being shot, Lorenzo clutched his chest and fell backwards onto the
4 pavement, landing on the right side of his body.



13 45. After falling onto the pavement, Lorenzo laid flat on his stomach with his hands
14 straight out to his side.

15 46. With Lorenzo's hands still out to his side and clearly visible to officers, he
16 gestured to Tenisha to take the children inside to safety.



47. Using the PA, Mesa Police officers instructed Lorenzo to get up and walk to the officers.

48. As Lorenzo rolled over and prepared to get up, Mesa Police officer Aaron Pew shot him again, striking him in the groin with a bean bag round.



1 49. Two seconds after being struck for the second time, Lorenzo put his hands in the
2 air again.

3 50. While Lorenzo's hands remained in the air, Mesa Police officer Aaron Pew shot
4 Lorenzo with a third bean bag round.



12 51. Once officer Pew stopped shooting at Lorenzo, he got up, keeping his hands in
13 the air.

14 52. Lorenzo was then instructed to turn around and walk backward towards officers.

15 53. Lorenzo was further instructed to walk behind the armored SWAT truck, which
16 put him out of view of the camera.

17 54. Once Lorenzo was almost completely out-of-view of the camera, officers can be
18 seen violently yanking Lorenzo behind the SWAT truck.



55. After he was pulled behind the SWAT truck, Lorenzo received multiple abrasions on his face, shoulders, and hands.

56. After Lorenzo was taken into custody, he was treated by the Mesa Fire Department for his injuries.

57. Mesa police subsequently searched Lorenzo's home and again found no firearms or weapons.

COUNT ONE – BATTERY

58. Plaintiff realleges paragraphs 1 through 57 as if fully set forth herein.

59. The City of Mesa is vicariously liable for the conduct of its employees.

60. The police officer(s) who shot Lorenzo with the bean bags are, upon information and belief, employees of the City of Mesa.

1 61. The police officer(s) acted intentionally, shooting Lorenzo three times while he
2 was complying with their commands, was obviously unarmed and presented no threat to justify
3 the shootings.

4 62. The use of force by police officer(s) against Lorenzo was not immediately
5 necessary to effect his arrest or detention or to prevent his escape.

6 63. The police officer(s), in shooting three times with bean bags, caused Lorenzo to
7 suffer harmful and offensive contact.

8 64. Lorenzo suffered physical pain, fear and distress as a result of the police officers'
9 conduct.

10 65. The police officers' conduct was an affront to Lorenzo's dignity as a human
11 being.

12 COUNT TWO – NEGLIGENT TRAINING/SUPERVISION

13 66. Plaintiff realleges paragraphs 1 through 65 as if fully set forth herein.

14 67. City of Mesa owed Lorenzo a duty to provide reasonable and necessary training
15 and supervision to its police officers.

16 68. City of Mesa breached its duty to Lorenzo by failing adequately train and
17 supervise its police officers in the use of force and particularly those officers using excessive,
18 unnecessary and unjustified force in shooting Lorenzo.

19 69. City of Mesa knew or should have known of its officers propensity to use
20 excessive, unnecessary and unjustified force.

1 70. City of Mesa acted in reckless indifference to the results of its actions, and the
2 rights or safety of Miguel Camacho, in its failure to adequately train and supervise its police
3 officers.

4 71. As a result of the City of Mesa's conduct, Lorenzo suffered physical and
5 emotional injuries.

6 COUNT THREE--- 42 USC s 1983 EXCESSIVE FORCE AGAINST PEW

7 72. Plaintiff realleges all allegation contained in prior paragraphs of the complaint.

8 73. Defendant Aaron Pew is being sued in his individual capacity and is a "person"
9 for the purposes of 42 USC s 1983.

10 74. At all material times, defendant Pew acted under color of state law.

11 75. Defendant Pew used excessive and objectively unreasonable force against
12 plaintiff in violation of his Fourth and Fourteenth Amendment rights including but
13 necessarily limited to, shooting him three times with bean bag shotgun shell. Pew shot
14 plaintiff the first time as plaintiff stood with his hands in the air offering no resistance.
15 Pew shot plaintiff two more times in the groin as he lay on the ground, incapacitated
16 from Pew's first shot.

17 76. Pew shot plaintiff even though plaintiff posed no immediate threat to the
18 safety of officers or the public, was not resisting the officers and was not attempting
19 to evade the officers.

20 77. Pew is not entitled to qualified immunity. At the time Pew used excessive
21 force on plaintiff the law was clearly established that such actions amounted to
22 unconstitutional excessive force.

1 78. Plaintiff suffered damages as a result of Pew's unconstitutional actions.

2 79. Pew acted with reckless and callous indifference to plaintiff's federally
3 protected rights entitling plaintiff to punitive damages.

4 80. Plaintiff is entitled to his costs, including attorneys' fees, pursuant to 42 USC s
5 1988.

6 WHEREFORE, Plaintiff Lorenzo Jones respectfully requests that this Court grant relief
7 in Plaintiff's favor, and against Defendants as follows:

8 A. For physical and emotional distress, discomfort, suffering, humiliation and anxiety
9 already experienced, and reasonably probable to be experienced in the future as a
result of the defendants' fault;

10 B. For punitive damages against defendant Pew in an amount sufficient to deter his
11 misconduct in the future.

12 C. For his costs and attorneys' fees pursuant to 42 USC s 1988.

13 D. For such other and further relief as the court deems just.

14 Dated this 10th day of September 2021.

15 **TAYLOR & GOMEZ LLP**

16 /s/ Benjamin Taylor
Benjamin Taylor

17 **BIHN & McDANIEL, P.L.C.**

18 /s/ Martin A. Bihn
19 Martin A. Bihn
20
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